



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JUL 06 2016

REPLY TO THE ATTENTION OF

CERTIFIED MAIL 7009 1680 0000 7647 2685
RETURN RECEIPT REQUESTED

Mr. Tom Daly
Branch Environmental, Health and Safety Manager
Veolia ES Technical Solutions, LLC
W124 N9451 Boundary Road
Menomonee Falls, Wisconsin 53051

Re: Request for Information
Veolia ES Technical Solutions, LLC
EPA I.D. No.: WID003967148

Dear Mr. Daly:

By this letter, the U.S. Environmental Protection Agency requests information under Section 3007 of the Resource Conservation Act (RCRA), as amended, 42 U.S.C. § 6927. Section 3007 authorizes the Administrator of EPA to require Veolia ES Technical Solutions, LLC (the facility or Veolia), to submit certain information.

On August 28 and 29, 2014, a representative of the U.S. Environmental Protection Agency conducted an inspection of the Veolia ES Technical Solutions, LLC facility located at W124 N9451 Boundary Road, in Menomonee Falls, Wisconsin (the Facility). EPA also sent you a notice of violation, dated October 6, 2015 (the NOV), alleging violations of RCRA by storing hazardous waste without a license or interim status at areas at the Facility not covered by a RCRA license, accumulating wastes without marking the correct accumulation date on drums located in an unlicensed area of the facility, as required for a large quantity generator exemption; and not conducting inspections at the frequency required by the Facility's RCRA license. The Facility responded by letter dated November 5, 2015, questioning EPA's interpretation of waste accumulation, noting steps taken to correct accumulation date labelling, and reading daily inspections to mean working days. EPA also contacted the Wisconsin Department of Natural Resources.

This request requires Veolia to submit certain information relating to the facility's compliance status under Sections 3002 through 3006 of RCRA, 42 U.S.C. §§ 3002 through 3006, and the regulations at 40 C.F.R. parts 260-279 and the authorized Wisconsin regulations, including the requirements at Wis. Admin. Code § NR 662 and 670 identified in the NOV and the August 28 and 29, 2014 inspection. Attachment 1 specifies the information you must submit.

Veolia must submit this information within fourteen (14) calendar days of receiving this request to:

U. S. Environmental Protection Agency
Attention: Bryan Gangwisch
Mail Code LR-8J
77 West Jackson Boulevard
Chicago, Illinois 60604

This information must be provided notwithstanding its possible characterization as confidential information or trade secrets. Veolia may, under 40 C.F.R. Part 2, Subpart B, assert a business confidentiality claim covering all or part of the information it submits in the manner described in 40 C.F.R. § 2.203(b). We will disclose the information covered by a business confidentiality claim only to the extent and by means of the procedures at 40 C.F.R. Part Subpart 2, Subpart B. Veolia must make any request for confidentiality when it submits the information since any information not so identified may be made available to the public without further notice.

Veolia must submit all requested information under an authorized signature with the following certification:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in response to this Information Request. Based on my review of all relevant documents and my inquiry of those individuals immediately responsible for providing all relevant information and documents, I believe that the information submitted is true, accurate, and complete. After conducting a reasonable inquiry, I also certify that the enclosed documents are a complete and correct response to the Request for Information as of the time this response was made. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Should the signatory find, at any time after submitting the requested information, that any portion of the submitted information is false, misleading or incomplete, the signatory must notify U.S. EPA. Knowingly providing false information, in response to this request, may be actionable under 18 U.S.C. §§ 1001 and 1341. We may use the requested information in an administrative, civil or criminal action.

This request is not subject to the Paperwork Reduction Act, 44 U.S.C. §§ 3501 *et seq.*, because it seeks collection of information from specific individuals or entities as part of an administrative action or investigation.

Failure to comply fully with this request for information may subject Veolia to an enforcement action under Section 3008 of RCRA, 42 U.S.C. § 6928. Please note that responses which are incomplete, ambiguous, or evasive will be treated as non-compliance with this information request.

You should direct questions about this request for information to Bryan Gangwisch, of my staff, at (312) 886-0989.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Julie Morris', with a stylized, cursive script.

Julie Morris
Chief, Compliance Section 2
RCRA Branch
Land and Chemicals Division

Enclosure.

cc: Michael Ellenbecker, WI DNR, Michael.Ellenbecker@wisconsin.gov
Cynthia Moore, WI DNR, Cynthia.Moore@wisconsin.gov

REQUEST FOR INFORMATION

Definitions

All terms not defined herein shall have their ordinary meaning, unless such terms are defined in Section 1002 of RCRA, 42 U.S.C. § 6901, *et seq.*, or Volume 40 of the Code of Federal Regulations, in which case such statutory or regulatory definitions shall apply.

The following definitions shall apply to the following words as they appear in this Information Request:

1. "Veolia" or "you" means Veolia ES Technical Solutions, LLC, its subsidiaries, parent companies, sister companies, affiliates, and/or any employee, officer, contractor, or agent thereof, and/or any employee, officer, contractor or agent thereof.
2. "Authorized representative" means the person responsible for the overall operation of a facility or an operational unit (i.e., part of a facility), e.g., the plant manager, superintendent or person of equivalent responsibility. The authorized representative should be authorized to respond on behalf of Veolia.
3. "Certification" means a statement of professional opinion based upon knowledge and belief.
4. "Responsible person" means an officer or agent who is authorized to respond on behalf of Veolia.
5. The terms "document" and "documents" mean any object that records, stores, presents, or transmits information. "Document" shall include, but not be limited to:
 - (a) writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including (by way of illustration and not by way of limitation) any of the following:
 - (1) invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order;
 - (2) letter, correspondence, fax, telegram, telex, postcard;
 - (3) record book, minutes, memorandum of meetings and telephone and other conversations, telephone messages, inter or intraoffice communications;
 - (4) agreement, contract, and the like;
 - (5) log book, diary, calendar, desk pad, journal, scrapbook;
 - (6) bulletin, circular, form, pamphlet, statement;
 - (7) report, notice, analysis, notebook;
 - (8) graph or chart; or
 - (9) copy of any document.
 - (b) microfilm or other film record, photograph, or sound recording on any type of

device;

- (c) any tape, disc, or other type of memory generally associated with computers and data processing, together with:
 - 1. the programming instructions and other written material necessary to use such disc, or disc pack, tape or other type of memory; and
 - 2. printouts of such disc, or disc pack, tape or other type of memory; and
- (d) attachments to, or enclosures with, any document as well as any document referred to in any other document.

6. "The Facility" means the property at W124 N9451 Boundary Road, Menomonee Falls, Wisconsin.

7. The term "waste" or "wastes" means trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, and pollutants or contaminants, whether solid, liquid, or sludge, including, but not limited to, containers for temporary or permanent holding of such wastes.

8. The terms "and" and "or" shall be construed either disjunctively or conjunctively, as necessary, to bring within the scope of this information request any information which might otherwise be construed to be outside its scope.

9. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions.

Instructions

1. You must provide a complete and separate response to each of the questions or requests set forth below. Precede each answer with the number of the Request for Information to which it corresponds. For each document produced in response to this Request for Information, indicate on the document, or in some other reasonable manner, the number of the question to which it responds.
2. In preparing your response to each question, consult with all present and former employees and agents of the facility who may be familiar with the matter to which the question pertains.
3. In answering each question, identify all contributing sources of information.
4. If you are unable to answer a question in a detailed and complete manner, or if you are unable to provide any of the information or documents requested, indicate the reason for your inability to do so. If you have reason to believe that there is an individual who may be able to provide more detail or documentation in response to any question, state that person's name and last known address and phone number and the reasons for your belief.
5. If you cannot provide a precise answer to any question, please approximate and state the reason for your inability to be specific.
6. If anything is deleted or redacted from a document produced in response to this Request for Information, state the reason for and the subject matter of the deletion.
7. If a document is requested but is not available, state the reason for its unavailability. In addition, identify any such document by author, date, subject matter, number of pages, and all recipients and their addresses.
8. An authorized representative or responsible person must sign the certification in Attachment B and return it with the response to this Request for Information.
9. Unless otherwise specified, the information must be provided for the three year period immediately preceding your receipt of this Request for Information.

Requests

1. Identify all documents consulted, examined, or referred to in the preparation of the answers to these requests, and provide copies of all such documents. Each document that is produced shall be produced in a manner that designates the specific numbered information request item(s) to which the document is responsive. Each document submitted shall be clearly and precisely identified by its title, author, date of preparation, and subject matter.
2. Identify the full name, title and telephone number of all persons consulted in preparing the answers in response to this Request for Information. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any information request or who may be able to provide additional responsive documents, identify such persons.
3. U.S. EPA, upon review of the 2013 and 2014 Stabilization Reports, identified and alleged (among other violations) in a Notice of Violation (NOV) dated October 6, 2015, that Veolia accumulated hazardous waste in at least 7 containers located at unlicensed units at the Facility over 90 days. Describe and provide supporting documentation as to where at the Facility the hazardous waste containers identified in the NOV were located throughout the following periods at the facility (from initial stabilization treatment date through all of their subsequent re-treatments):
 - a) Veolia accumulated characteristic selenium (D010) hazardous waste in container YD-22 from at least May 9, 2013 until December 6, 2013;
 - b) Veolia accumulated characteristic D010 hazardous waste in container YD-53 from at least May 14, 2013 until December 11, 2013;
 - c) Veolia accumulated characteristic D010 hazardous waste in container YD-15 from at least May 21, 2013 until December 5, 2013;
 - d) Veolia accumulated characteristic cadmium (D006) hazardous waste in container YD-36 from at least November 1, 2013 until March 6, 2014;
 - e) Veolia accumulated characteristic D010 hazardous waste in container YD-27 from at least May 29, 2014 until October 14, 2014;
 - f) Veolia accumulated characteristic D010 hazardous waste in container G2018 from at least August 22, 2014 until December 5, 2014;
 - g) Veolia accumulated characteristic D010 hazardous waste in container YD-34 from at least August 22, 2014 until December 6, 2014;

For example, please specify the time periods each container was located in a 90 Day generator roll-off unlicensed area and the location of that area at the Facility.

4. For each material listed at 3.a)-g) above, describe any action taken on that waste (e.g. the activities taken to treat, retreat, stabilize, mix etc.), including any materials added to it; and indicate whether any characteristic not present in the original waste was detected at each point from its original placement in the container through each treatment, retreatment, stabilization etc. and disposal. Provide documentation of the activity, the waste codes present, and the waste

analysis at each point.

5. Describe the procedures the Facility follows to prepare the stabilization reports and identify what each entry in the stabilization report means, and provide any document indicating how data is or should be entered into that report.
6. Identify where the containers listed in each report are located at the facility, how the Facility tracks a change in wastestream located in a container, when and how the containers are cleaned, and how the reports signify that a new wastestream has been placed in the container.
7. Describe the standard Veolia uses to assign a new container identification number in column 5 of the Stabilization Report and provide any documentation that discusses that standard.
8. Provide any documents other than the 2013 and 2014 Waste Stabilization Reports that track the handling of wastes in the containers listed at 3.a)-g) above.
9. Describe the procedures the Facility follows to label and track the accumulation dates of wastes placed in the containers listed in the 2013 and 2014 Stabilization Reports and provide documentation of those procedures.
10. Describe what steps the Facility takes to ensure wastes are not accumulated over 90 days in unlicensed areas of the facility, and provide documentation of those procedures.
11. Describe what steps the Facility takes to ensure hazardous wastes are properly tracked and are sent to a licensed facility and provide documentation of those procedures.
12. Describe the Facility's procedures for proper labeling of hazardous waste containers and provide documentation of those procedures.
13. Describe the Facility's inspection schedule for all days of the week, and provide documentation of that schedule and documentation, including inspection logs, showing the days it conducted inspections from March 27, 2014, until the present.
14. Provide a copy of the enclosures to the October 30, 1990, letter Veolia included with its response to the NOV, including Figure B-2; provide any revisions to Figure B-2, and indicate the dates of each revision.
15. Did Veolia include that October 30, 1990 letter in Veolia's Feasibility and Plan of Operation Report (FROP) submittal to the Wisconsin Department of Natural Resources (WDNR)?
16. Did Veolia include the July 20, 1993 letter enclosed with the response to the NOV in Veolia's FPOR submittal to WDNR?

17. Provide the following certification by a responsible corporate officer:

I certify under the penalty of law that I have examined and am familiar with the information submitted in responding to this information request for production of documents. Based on my review of all relevant documents and inquiring of those individuals immediately responsible for providing all relevant information and documents, I believe that the information submitted is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Date

Signature of Corporate Officer